

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

GPNE CORP.,

**Plaintiff,
v.**

**CASSENS TRANSPORT COMPANY,
Defendant.**

Civil Action No.:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff GPNE Corp. complains upon information and belief of Defendant Cassens Transport Company as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff GPNE Corp. (“GPNE”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 2800 Woodlawn Drive, Suite 101, Honolulu, Hawaii 96822.

3. On information and belief, Defendant Cassens Transport Company (“Cassens”) is a corporation organized and existing under the laws of the State of Illinois with its principal place of business at 145 North Kansas Street, Edwardsville, Illinois 62025.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Cassens by virtue of its having its principal place of business in the State of Illinois, and thus residing within this judicial district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

THE PATENTS-IN-SUIT

7. On December 27, 2011, U.S. Patent No. 8,086,240 (“the ‘240 Patent”), entitled “Data Communication System Using A Reserve Request And Four Frequencies To Enable Transmitting Data Packets Which Can Include A Count Value And Termination Indication Information,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘240 Patent is attached as Exhibit A to this Complaint.

8. GPNE is the assignee and owner of the right, title and interest in and to the ‘240 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

9. On August 4, 2009, U.S. Patent No. 7,570,954 (“the ‘954 Patent”), entitled “Communication System Wherein A Clocking Signal From A Controller, A Request From A Node, Acknowledgement Of The Request, And Data Transferred From The Node Are All Provided On Different Frequencies, Enabling Simultaneous Transmission Of These Signals,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘954 Patent is attached as Exhibit B to this Complaint.

10. Certain claims of the ‘954 Patent, including claim 13, were the subject of an *inter partes* reexamination requested on September 14, 2012 and granted by the United States Patent and Trademark Office on December 7, 2012. On April 18, 2014, the United States Patent and Trademark Office confirmed the patentability of claim 13 of the ‘954 Patent. A true and correct

copy of the Action Closing Prosecution from the reexamination proceedings is attached as Exhibit C to this Complaint.

11. GPNE is the assignee and owner of the right, title and interest in and to the '954 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

BACKGROUND

12. Cassens provides premier automotive logistics services. Each day Cassens' fleet of over 2,500 trucks delivers up to 8,000 vehicles for 15 domestic and international automobile manufacturers. Cassens has terminals in the following locations: Illinois: Aurora, Belvidere, and Hegewisch; Indiana: Lafayette and Princeton; Kansas: Kansas City; Maryland: Jessup / Annapolis Junction; Michigan: Detroit, Sterling Heights, and Warren (Dodge City); New Jersey: Newark; New York: Niagara; Ohio: Avon Lake, Marysville, Toledo, and Warren / Lordstown; Pennsylvania: Philadelphia; Tennessee: Smyrna; and Canada: London and Windsor.

13. As part of its overall transportation and distribution infrastructure, Cassens operates as an interstate carrier in the continental United States.

14. Vehicles operated and controlled by Cassens as part of its transportation and distribution infrastructure utilize GPRS telematics technology.

15. GPNE informed Cassens of GPNE's ownership of the '240 Patent and '954 Patent in a letter dated August 20, 2013, and which was delivered to Defendant on August 22, 2013. Within that letter, GPNE informed Cassens that these patents are implicated by GPRS technology. GPNE invited Cassens to discuss a license to GPNE's patents, and requested that Cassens inform GPNE if Cassens' telematics equipment did not use GPRS technology.

INFRINGEMENT OF U.S. PATENT NO. 8,086,240

16. The allegations set forth in the foregoing paragraphs 1 through 15 are hereby incorporated by reference and realleged.

17. Cassens, by itself or through its subsidiaries, has directly infringed and is directly infringing, under 35 U.S.C. §271(a), at least claim 27 of the '240 Patent in this judicial district and elsewhere in the United States, by utilizing the GPRS protocol at least in its method of communicating informatics through the integrated cellular telecommunications system provided in its transportation fleet.

18. Cassens has known of the '240 Patent, and its relationship to GPRS technology, since at least August 22, 2013. Since at least April 15, 2014, Cassens has had knowledge that the use of the GPRS protocol specifically infringes claim 27 of the '240 Patent.

19. GPNE has been damaged as a result of Cassens' infringement of the '240 Patent. Cassens is liable to GPNE in an amount that adequately compensates GPNE for Cassens' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

INFRINGEMENT OF U.S. PATENT NO. 7,570,954

20. The allegations set forth in the foregoing paragraphs 1 through 15 are hereby incorporated by reference and realleged.

21. Cassens, by itself or through its subsidiaries, has directly infringed and is directly infringing, under 35 U.S.C. §271(a), at least claim 13 of the '954 Patent in this judicial district and elsewhere in the United States, by utilizing the GPRS protocol at least in its method of communicating informatics through the integrated cellular telecommunications system provided in its transportation fleet.

22. Cassens has known of the '954 Patent, and its relationship to GPRS technology, since at least August 22, 2013. Since at least April 15, 2014, Cassens has had knowledge that the use of the GPRS protocol specifically infringes claim 13 of the '954 Patent.

23. GPNE has been damaged as a result of Cassens' infringement of the '954 Patent. Cassens is liable to GPNE in an amount that adequately compensates GPNE for Cassens' infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

GPNE requests that the Court find in its favor and against Cassens and against its respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with it, and that the Court grant GPNE the following relief:

- A. Judgment that Cassens has infringed the claims of the '240 Patent and '954 Patent, either literally and/or under the doctrine of equivalents;
- B. Judgment that Cassens account for and pay to GPNE all damages to and costs incurred by GPNE because of Cassens' infringing activities and other conduct complained of herein, including without limitation any attorneys' fees if Cassens is found to infringe willfully;
- C. Judgment that Cassens account for and pay to GPNE a reasonable, ongoing, post-judgment royalty because of Cassens' infringing activities and other conduct complained of herein;
- D. That GPNE be granted pre-judgment and post-judgment interest on the damages caused by Cassens' infringing activities and other conduct complained of herein; and
- E. That GPNE be granted such other and further relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable as presented in this Complaint.

Dated: July 7, 2014

Respectfully submitted,

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